

REMARKS/ARGUMENTS

Claims 1-42 remain pending in the present application. However, Claims 1-11 have been withdrawn as being directed to a non-elected invention. Claims 12, 23 and 32 have been amended. Applicant respectfully requests entry of these amendments and favorable reconsideration of the claims in view of the following remarks.

I. REJECTIONS UNDER 35 U.S.C. § 102

Claims 12, 13, 15, 16, 19, 23, 25, 28, 32, 33, 35, 36 and 39 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Pepin et al.* (U.S. Patent Application Publication No. 2004/0160979). Applicant respectfully submits that these rejections are overcome.

As the Examiner stated on page 2 of the Final Office Action, the Examiner interpreted the term “coding scheme” broadly as “the code set, design or pattern to encode/decode data.” The Examiner further stated that although *Pepin et al.* only teaches a single type of protocol, that is the AMR protocol, *Pepin* does teach a plurality of coding schemes in that *Pepin et al.* teaches a plurality of different rates for a speech codec, and each rate enables a different pattern to encode/decode data.

To more clearly define the term “coding scheme”, Applicant has amended independent Claims 12, 23 and 32 to now similarly recite “*each of the plurality of supported coding schemes being associated with a different one of a plurality of codec protocols.*” Applicant respectfully submits that this feature is not taught or suggested by *Pepin et al.*

As Applicant pointed out in Applicant’s previous response, and as the Examiner indicated on page 2 of the Final Office Action, *Pepin et al.* only teaches an adaptive multi-rate speech codec. The adaptive multi-rate speech codec uses a single type of coding scheme, and merely switches the bit rate of that particular coding scheme. There is no teaching or suggestion in *Pepin et al.* of any mechanism for selecting between “a plurality of supported coding schemes”, as defined and claimed in Claims 12, 23 and 32 of the present application.

Thus, *Pepin et al.* does not teach, within its four corners, each and every element of, in the detail of, the claims of the present invention, and should be withdrawn as a

reference under 35 U.S.C. § 102. Therefore, Applicant respectfully submits that independent Claims 12, 23 and 32 (and all claims dependent therefrom) are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 102 rejection of Claims 12, 13, 15, 16, 19, 23, 25, 28, 32, 33, 35, 36 and 39.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 14, 17, 18, 20-22, 24 26, 27, 29-31, 34, 37, 38 and 40-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pepin et al.* These rejections are respectfully traversed for the following exemplary reasons.

The aforementioned Claims 14, 17, 18, 20-22, 24 26, 27, 29-31, 34, 37, 38 and 40-42 are dependent upon claims that Applicant believes are now allowable. Therefore, for at least the same reasons given above with respect to the rejections of Claims 12, 23 and 32, Applicant respectfully submits that Claims 14, 17, 18, 20-22, 24 26, 27, 29-31, 34, 37, 38 and 40-42 are not obvious over the prior art of record. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 14, 17, 18, 20-22, 24 26, 27, 29-31, 34, 37, 38 and 40-42

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (Ref. BP2970).

Respectfully submitted,

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